

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

GREGORY WELKER,

Plaintiff,

v.

ORKIN, LLC, formerly Orkin, Inc.,

Defendant.

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CIVIL ACTION NO. 5:13-CV-126 (MTT)

ORDER

Before the Court is the Defendant's motion to stay discovery. (Doc. 17). The closing of discovery on December 31, 2013 renders the motion moot. But the motion also must be denied because the Defendant's pending motion to dismiss (Doc. 16) would, even if granted, not dispose of the case. In addition to damages, the Plaintiff seeks injunctive relief in the form of reinstatement, and the judicial estoppel doctrine on which the motion to dismiss is based does not prohibit the Plaintiff from pursuing his claim for injunctive relief. See *Casanova v. Pre Solutions Inc.*, 228 F. App'x 837, 841 (11th Cir. 2007) (citing *Burnes v. Pemco Aeroplex, Inc.*, 291 F.3d 1282, 1288-89 (11th Cir. 2002)).

Accordingly, the Defendant's motion to stay discovery is **DENIED**.

SO ORDERED, this 14th day of January, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT